IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Plaintiff, vs.	UNITED STATES OF AMERICA,) 8:16CR278
A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Refor Act on October 5, 2016, the Court orders the above-named defendant detains pursuant to 18 U.S.C. § 3142(e) and (i). B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination conditions will reasonably assure the appearance of the defendant as require X By clear and convincing evidence that no condition or combination of condition will reasonably assure the safety of any other person or the community. C. Finding Of Fact The Court's findings are based on the evidence which was presented in court are contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: a conspiracy to distribute methamphetamine (Count II) violation of 21 U.S.C. § 846 and the possession with intent distribute methamphetamine (Count III) in violation of 21 U.S.C. 841(a)(1) each carry a minimum sentence of ten years imprisonmen and a maximum of life imprisonment; and the possession with intent to distribute heroin (Count III) in violation of 21 U.S.C. §841(a)(carries a minimum sentence of five years imprisonment and maximum of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a large amount of controlled substances, to the defendant is high. X (3) The history and characteristics of the defendant is high. The defendant appears to have a mental condition whimmy affect whether the defendant will appear.	Plaintiff,) 8.16CR276)
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The defendant has no steady employment. X The defendant has no substantial financial resources. X The defendant is not a long time resident of the communities. The defendant does not have any significant communities. Past conduct of the defendant: X The defendant has a history relating to drug abuse. X The defendant has a history relating to alcohol abuse.	The Court's findings are based on the contained in the Pretrial Services Report X (1) Nature and circumstances of X (a) The crime: a conspirate violation of 21 U.S.C distribute methampher 841(a)(1) each carry at and a maximum of life to distribute heroin (C carries a minimum semaximum of forty year (b) The offense is a crime (c) The offense involves a (d) The offense involves a (d) The offense involves a (e) The weight of the evidence a X (f) The history and characteristic (a) General Factors: The defendant may affect where X for the defendant X for the defe	t, and includes the following: If the offense charged: Ey to distribute methamphetamine (Count I) in E. § 846 and the possession with intent to Itamine (Count II) in violation of 21 U.S.C. § Iminimum sentence of ten years imprisonment Imprisonment; and the possession with intent Itamine (III) in violation of 21 U.S.C. §841(a)(1) In entence of five years imprisonment and a Itamine imprisonment. It is of violence. In anarcotic drug. It large amount of controlled substances, to with Itamine it is high. It is of the defendant is high. It is of the defendant will appear. In that no family ties in the area. In that no substantial financial resources. In that no substantial financial resources. In that is not a long time resident of the community. In the defendant: In that a history relating to drug abuse.

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	e defendant has a prior record of failure to appear at
	rt proceedings. of the current arrest, the defendant was on:
` ,	bation
Par	ole
	ease pending trial, sentence, appeal or completion of
	tence.
(c) Other Facto	
	e defendant is an illegal alien and is subject to ortation.
	e defendant is a legal alien and will be subject to
dep	ortation if convicted.
The	Bureau of Immigration and Custom Enforcement
	CE) has placed a detainer with the U.S. Marshal.
Oth	er:
X (4) The nature and s	seriousness of the danger posed by the defendant's
	ws: The nature of the charges in the Indictment.
1010400 410 40 10110	We. The hatare of the charges in the maleunent.
X (5) Rebuttable Presu	
	the defendant should be detained, the Court also relied
	uttable presumption(s) contained in 18 U.S.C. § 3142(e)
	ds the defendant has not rebutted:
	ndition or combination of conditions will reasonably ppearance of the defendant as required and the safety
	person and the community because the Court finds that
the crime in	
	A crime of violence; or
<u>X</u> (2)	An offense for which the maximum penalty is life
)/ (a)	imprisonment or death; or
<u>X</u> (3)	A controlled substance violation which has a maximum
(4)	penalty of 10 years or more; or A felony after the defendant had been convicted of two
(4)	or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
	ndition or combination of conditions will reasonably
	ppearance of the defendant as required and the safety
cause to bel	nunity because the Court finds that there is probable
	That the defendant has committed a controlled
<u> </u>	substance violation which has a maximum penalty of
	10 years or more.
(2)	That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 5, 2016. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge